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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,012	09/15/2003	Jiann-Chen Chen	N81439/CFR	2748
1333	7590	03/20/2006	EXAMINER	
BETH READ PATENT LEGAL STAFF EASTMAN KODAK COMPANY 343 STATE STREET ROCHESTER, NY 14650-2201			JIMENEZ, MARC QUEMUEL	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,012

Applicant(s)

CHEN ET AL.

Examiner

Marc Jimenez

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 is/are allowed.
- 6) ☒ Claim(s) 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. To avoid confusion, please do not include text of canceled claims such as claim 19 (for example, so that the canceled claim is not inadvertently printed in the published patent).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Jiann H. Chen et al. (US6696158) in view of Hoffman et al. (US 2002/0002921A1) and Jiann H. Chen et al. (US5716714).

Chen et al. ('158) teach a high temperature sleeve **16** having an inner diameter adapted to closely fit around an outer diameter of a mandrel in an electrophotographic machine fuser section, a base cushion elastomer (col. 8, lines 62-67) layer **14** around an outside of the sleeve **16**, a primer (col. 9, line 58-60) positioned on the outside of the sleeve **16** to provide bonding between the base cushion **14** and the sleeve **16**, and a layer **12** of cured thermoplastic polymer selected from the group consisting of thermoplastic polyfluorocarbon polymers (col. 5, lines 50-

Art Unit: 3726

51) and thermoplastic polyfluorocarbon random copolymers around the outside of the base cushion 14.

Chen et al. ('158) teach the invention cited with the exception of the sleeve being made of nickel and the primer consisting essentially of a saline coupling agent containing epoxies.

Hoffman et al. teach that it is known to use either steel, aluminum, or nickel sleeves (paragraph [0024], lines 2-3 and paragraph [0037] last three lines).

Chen et al. ('714) teach that it is known to use a suitable primer material including silane coupling agents (col. 4, lines 23-24) to bond a core that can be made of nickel alloys (col. 3, lines 23-24) to an elastomer layer.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have replaced the "stainless steel, steel, aluminum, etc." sleeve (col. 5, lines 14-15) of Chen et al. ('158) with a sleeve made of nickel, in light of the teachings of Hoffman et al., in order to provide a sleeve material that can withstand high temperatures and is suitably rigid.

Furthermore, it is noted that Hoffman et al. suggest that the sleeve could be made of any suitable metal such as those described in paragraphs [0024] and [0037]. Therefore, because the types of materials Chen et al. describes in col. 5, lines 14-15 and the materials described by Hoffman et al. were art-recognized equivalents at the time of the invention was made, one of ordinary skill in the art would have found it obvious to substitute the sleeve materials described by Chen et al. for the nickel material described by Hoffman et al.

Furthermore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Chen et al. ('158) with a primer consisting essentially of a saline coupling agent containing epoxies, in light of the teachings of Chen et al.

Art Unit: 3726

(‘714), in order to provide a primer that can easily bond with metal such as nickel described in col. 3, lines 23-24. It is noted that Chen is the same inventor in both the ‘714 and ‘158 patents and therefore one of ordinary skill in the art, at the time of the invention, would have found it obvious to substitute a particular type of primer with a silane coupling agent as claimed.

Allowable Subject Matter

4. Claims 1-18 are allowed.

Response to Arguments

5. Applicant's arguments filed 12/16/05 have been fully considered but they are not persuasive.

6. Applicant argues that there is no teaching in Hoffman that the metal be nickel that does not outgas, or release volatile compounds, at temperatures up to the maximum temperature required to cure the cushion layer and the topcoat elastomer layer over the fuser member or as Applicants have defined in the application “high temperature nickel”. It is noted however, that the claims do not require a specific type of nickel composition. The nickel composition of Hoffman is considered to be a relatively “high temperature” nickel because it can withstand high temperatures. For example, it has a melting point. Temperatures just below the melting point of the nickel of Hoffman could be considered “high temperatures”.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Interviews After Final

8. Applicant note that an interview after a final rejection will not be granted unless the intended purpose and content of the interview is presented briefly, in writing (the agenda of the interview must be in writing) to clarify issues for appeal requiring only nominal further consideration. Interviews merely to restate arguments of record or to discuss new limitations will be denied. See MPEP 714.13 and 713.09.

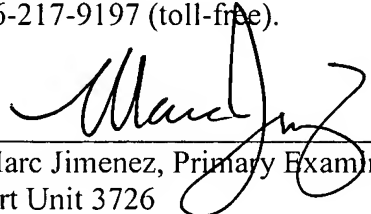
Art Unit: 3726

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is (571) 272-4530. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Nguyen can be reached on (571) 272-4491. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Marc Jimenez, Primary Examiner
Art Unit 3726

MJ
3-13-06